



09/ 623 514

CZJ

PATENT

## THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Inventor(s):** Jitao Zou, Ph.D. et al.**Patent No.:** 7,015,373 B1**Issued:** March 21, 2006**For:** DIACYLGLYCEROL  
ACYLTRANSFERASE GENE FROM  
PLANTS**Attorney Docket No.:** 3015-5684US

## CERTIFICATE OF MAILING

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail on the date of deposit shown below with sufficient postage and in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

May 19, 2006  
Date

*Betty Vowles*  
Signature

Betty Vowles  
Name (Type/Print)

**REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT  
FOR APPLICANTS' MISTAKES (37 C.F.R. § 1.323) AND  
PATENT OFFICE MISTAKES (37 C.F.R. § 1.322)**

Attn.: Certificate of Corrections Branch  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Certificate**  
**MAY 26 2006**  
**of Correction**

Sir:

It is noted that a combination of Applicant and Patent Office errors appear in this patent of a typographical nature or character and correction thereof does not involve such changes in the patent as would constitute new matter or would require reexamination. A certificate of correction in the form attached hereto is requested.

Please note that an Amendment Pursuant to 37 C.F.R. § 1.312(a) (copy enclosed) was filed on December 7, 2005, but was apparently not entered before issuance of the patent. Also enclosed is a copy of the Office communication indicating that the 312 amendment has been entered. We have included subject matter of this amendment on the attached PTO/SB/44 with at least one copy being suitable for printing.

05/25/2006 EAREGAY1 00000077 7015373

01 FC:1811

100.00 OP

MAY 26 2006

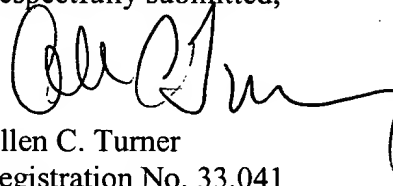
Please send the Certificate to:

Name: Allen C. Turner  
Address: TraskBritt  
P.O. Box 2550  
Salt Lake City, Utah 84110

The fee of \$100.00 as required by 37 C.F.R. § 1.20(a) is enclosed.

Attached hereto in duplicate is Form PTO/SB/44 with at least one copy being suitable for printing.

Respectfully submitted,



Allen C. Turner  
Registration No. 33,041  
Attorney for Applicant(s)  
TRASKBRITT, P.C.  
P.O. Box 2550  
Salt Lake City, Utah 84110-2550  
Telephone: 801-532-1922

Date: May 19, 2006  
ACT/csw

Enclosures: PTO/SB/44 in duplicate  
Check No. 22831 in the amount of \$100.00  
Copy of Amendment Pursuant to 37 C.F.R. § 1.312(a)  
Copy of Communication regarding acceptance of Amendment

MAY 26 2006

## UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO : 7,015,373 B1  
DATED : March 21, 2006  
INVENTOR(S) : Jitao Zou, David C. Taylor, Yangdou Wei, and Colette Jako

Page 1 of 4

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In the section (73) Assignee: change "Ottawa, (CA)" to --Ottawa, ON (CA)--

**In section (56) References Cited**

**OTHER PUBLICATIONS:**

1 <sup>ST</sup> COLUMN, LINE 63,	change "Ac005917" to --AC005917--
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2 <sup>ND</sup> COLUMN, LINE 26,	change "cyltransferase" to --acyltransferase--
2 <sup>ND</sup> COLUMN, LINE 32,	change "pp. 1207-1207" to --p.1207--
2 <sup>nd</sup> page, 2 <sup>ND</sup> COLUMN, LINE 2,	change "pp. 1053-1053" to --p.1053--

Below section (57) **ABSTRACT:** change "11 Claims, 10 Drawing Sheets" to --14 Claims, 10 Drawing Sheets--

**In the specification:**

COLUMN 1, LINE 53,	change "Kwanyuan" to --Kwanyuen--
COLUMN 1, LINE 53,	change "1988" to --1986--
COLUMN 3, LINE 12,	change "cf" to --Cf--
COLUMN 3, LINE 20,	change second occurrence of "plants" to --plant--
COLUMN 3, LINES 26-27,	change "SHAGLFNLCVVVLIAVNSRLIENLMK" to --SHAGLFNLCVVVLIAVNSRLIENLMK--

MAILING ADDRESS OF SENDER:

Allen C. Turner  
230 South 500 East, Suite 300  
Salt Lake City, Utah 84102 USA

PATENT NO. 7,015,373 B1

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**In the specification (continued):**

COLUMN 3,	LINE 39,	change "or or" to --or--
COLUMN 3,	LINE 39,	change "NO:3or" to --NO:3 or--
COLUMN 3,	LINES 42-43,	change " <u>SHAGLFNLCVVVLI</u> <u>AVNSRLIENLMK</u> " to --SHAGLFNLCVVVLI <del>AVNSRLIENLMK</del> --
COLUMN 5,	LINE 26,	change "1-14-10" to --14-10--
COLUMN 5,	LINE 27,	change "bashi-Kayabacho," to --bashi Kayabacho 1-chome-- and change "Chuoku" to --Chuo-ko--
COLUMN 6,	LINE 39,	change "Northern analysis" to --Northern blot analysis--
COLUMN 7,	LINE 56,	change "transgenic ()" to --transgenic (●)--
COLUMN 11,	LINES 37-38	change "(De-Block" to --(DeBlock--
COLUMN 13,	LINE 1,	change "northern blot" to --Northern Blot--
COLUMN 14,	LINE 19,	change "Kwanyuan" to --Kwanyuen--
COLUMN 14,	LINE 23,	change both occurrences of "Kwanyuan" to --Kwanyuen--
COLUMN 21,	LINE 17,	after "Southern" and before "analyses" insert --blot--
COLUMN 21,	LINE 45,	change "ASII seeds" to --AS11 seeds--
COLUMN 23,	LINE 34,	change "identification" to --Identification--
COLUMN 23,	LINE 39,	change "Churck," to --Church,--
COLUMN 24,	LINE 13,	change "Smalie," to "Smalle,"
COLUMN 24,	LINE 48,	change "in" to --In--
COLUMN 28,	LINE 30,	after "Weselake, R. J.," insert --Taylor,--
COLUMN 28,	LINE 33,	change "Ptochemistry:" to --Phytochemistry--
COLUMN 28,	LINE 39,	change "Kwanyuan" to --Kwanyuen--

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230 South 500 East, Suite 300  
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**In the specification (continued):**

COLUMN 28, LINE 47, change "(1998)" to --(1996)--  
COLUMN 28, LINE 51, change "(1987)" to --(1997)--  
COLUMN 45, LINE 4, change "Arabidops" to --Arabidopsis--

**In the claims: AFTER FULL TEXT OF CLAIM 11 AND BEFORE FIVE ASTERISKS DESIGNATING END OF PRINTED PATENT, INSERT THE FOLLOWING THREE CLAIMS LEFT OFF PATENT BY PTO.**

CLAIM 12, COLUMN 64, --12. A genetically transformed plant seed, wherein the genome of the plant seed has been transformed by an introduced nucleotide sequence selected from the group consisting of SEQ ID NO: 1 and SEQ ID NO: 3.--

CLAIM 13, COLUMN 64, --13. A plant seed having a genome, wherein said genome has an introduced nucleotide sequence selected from the group consisting of SEQ ID NO: 1 and SEQ ID NO: 3 encoding a polypeptide having diacylglycerol acyltransferase activity.--

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**In the claims (continued):**  
CLAIM 14, COLUMN 64,

--14. A method of changing the oil content, acyl composition or diacylglycerol/triacylglycerol ratio of the seed oil of plant seeds, said method comprising:  
introducing a nucleic acid construct comprising a nucleic acid sequence, selected from the group consisting of SEQ ID NO: 1 and SEQ ID NO: 3, encoding a polypeptide having diacylglycerol acyltransferase activity into a plant transformation vector;  
transforming the genome of a plant or plant seed with said plant transformation vector;  
expressing the nucleic acid sequence;  
growing the plant or plant seed; and  
selecting the transformed plant or plant seed having the changed oil content, acyl composition or diacylglycerol/triacylglycerol ratio as compared to an average of a statistically-significant number of seeds of plants of the same genotype grown in identical conditions, but without the introduced nucleotide sequence;  
wherein said polypeptide comprises SEQ ID NO: 2.---

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15 MAR 2006

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CLAIM 14, COLUMN 64,

--14. A method of changing the oil content, acyl composition or diacylglycerol/triacylglycerol ratio of the seed oil of plant seeds, said method comprising:  
introducing a nucleic acid construct comprising a nucleic acid sequence, selected from the group consisting of SEQ ID NO: 1 and SEQ ID NO: 3, encoding a polypeptide having diacylglycerol acyltransferase activity into a plant transformation vector;  
transforming the genome of a plant or plant seed with said plant transformation vector;  
expressing the nucleic acid sequence;  
growing the plant or plant seed; and  
selecting the transformed plant or plant seed having the changed oil content, acyl composition or diacylglycerol/triacylglycerol ratio as compared to an average of a statistically-significant number of seeds of plants of the same genotype grown in identical conditions, but without the introduced nucleotide sequence;  
wherein said polypeptide comprises SEQ ID NO: 2.---

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PATENT

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:**

Jitao Zou, Ph.D. et al.

Serial No.: 09/623,514

Filed: March 29, 2001

For: DIACYLGLYCEROL  
ACYLTRANSFERASE GENE FROM  
PLANTS

Confirmation No.: 8673

Examiner: S. Baum

Group Art Unit: 1638

Attorney Docket No.: 3015-5684US

Notice of Allowance Mailed:

September 27, 2005

**CERTIFICATE OF TRANSMISSION**

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12/7/05  
Date

*[Signature]*  
Signature  
William R. Ramey, Jr.  
Name (Type/Print)

**AMENDMENT PURSUANT TO 37 C.F.R. §1.312(a)**

Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Please amend the above-referenced application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2  
of this paper.

Remarks begin on page 5 of this paper.

MAY 26 2006

**IN THE CLAIMS:**

Claims 1, 3, 5, 7, 10, 11, 13-23, 28-38, and 40 were previously canceled herein. Claims 41-43 have been added. All of the pending claims 2, 4, 6, 8, 9, 12, 24-27, 39, and 41-43 are presented below. Support for claim 41 can be found in previously presented claims 11 and 28. Support for claim 42 can be found in previously presented claims 13 and 29. Support for claim 43 can be found in previously presented claims 23 and 31. This listing of claims will replace all prior versions and listings of claims in the application. Please enter these claims as amended.

**Listing of Claims:**

1. (canceled)
2. (previously presented) An isolated nucleic acid molecule encoding a polypeptide having diacylglycerol acyltransferase activity, wherein the isolated nucleic acid molecule comprises a sequence according to SEQ ID NO: 1 or SEQ ID NO: 3.
3. (canceled)
4. (previously presented) A vector for transformation of plant cells, wherein said vector comprises a nucleic acid sequence encoding a polypeptide having diacylglycerol acyltransferase activity, wherein the nucleic acid sequence comprises SEQ ID NO: 1 or SEQ ID NO: 3.
5. (canceled)
6. (previously presented) The vector according to claim 4, wherein said nucleic acid sequence is present in said vector in a sense orientation.
7. (canceled)
8. (previously presented) Plasmid pDGATcDNA having accession number ATCC PTA-989.

9. (previously presented) Plasmid pDGATgene having accession number ATCC PTA-988.

10.-11. (canceled)

12. (previously presented) A genetically transformed plant, wherein the genome of the plant has been transformed by the vector according to claim 4.

13.-23. (canceled)

24. (previously presented) The isolated nucleic acid molecule of claim 2, wherein the nucleic acid sequence is SEQ ID NO: 1.

25. (previously presented) The isolated nucleic acid molecule of claim 2, wherein the nucleic acid sequence is SEQ ID NO: 3.

26. (previously presented) The vector of claim 4, wherein the nucleic acid sequence is SEQ ID NO: 1.

27. (previously presented) The vector of claim 4, wherein the nucleic acid sequence is SEQ ID NO: 3.

28.-38. (canceled)

39. (previously presented) A genetically transformed plant seed, wherein the genome of the plant seed has been transformed by the vector of claim 4.

40. (canceled)

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41. (new) A genetically transformed plant seed, wherein the genome of the plant seed has been transformed by an introduced nucleotide sequence selected from the group consisting of SEQ ID NO: 1 and SEQ ID NO: 3.

42. (new) A plant seed having a genome, wherein said genome has an introduced nucleotide sequence selected from the group consisting of SEQ ID NO: 1 and SEQ ID NO: 3 encoding a polypeptide having diacylglycerol acyltransferase activity.

43. (new) A method of changing the oil content, acyl composition or diacylglycerol/triacylglycerol ratio of the seed oil of plant seeds, said method comprising:  
introducing a nucleic acid construct comprising a nucleic acid sequence, selected from the group consisting of SEQ ID NO: 1 and SEQ ID NO: 3, encoding a polypeptide having diacylglycerol acyltransferase activity into a plant transformation vector;  
transforming the genome of a plant or plant seed with said plant transformation vector;  
expressing the nucleic acid sequence;  
growing the plant or plant seed; and  
selecting the transformed plant or plant seed having the changed oil content, acyl composition or diacylglycerol/triacylglycerol ratio as compared to an average of a statistically-significant number of seeds of plants of the same genotype grown in identical conditions, but without the introduced nucleotide sequence;  
wherein said polypeptide comprises SEQ ID NO: 2.

**REMARKS**

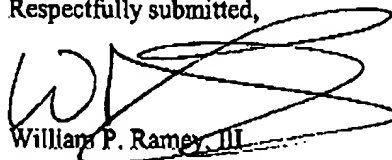
This amendment corrects errors in the text. Entry is respectfully solicited.

In Applicants' Response to the Final Rejection of February 24, 2005, submitted on August 17, 2005, Applicant's canceled claims 11, 13, and 23, among others. Inadvertently, allowable subject matter, claims 28, 29, and 31, depended upon claims 11, 13, and 23. The dependency was not previously properly corrected by amendment. As a result, the Examiner then canceled claims 28, 29 and 31 in the Notice of Allowability. Accordingly, Applicants are now submitting this 312 Amendment to reclaim the subject matter that has already been deemed free of the prior art by the Examiner. Therefore, no further examination is required. The scope of the claims has not been changed from that which was determined to be allowable.

**CONCLUSION**

This amendment is submitted prior to the payment of the issue fee and, therefore, no petition or fee is required. No new matter has been added.

Respectfully submitted,



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/623,514	03/29/2001	Jitao Zou	43922	8673

24247 7590 02/14/2006

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EXAMINER

BAUM, STUART F

ART UNIT PAPER NUMBER

1638

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



<b>Response to Rule 312 Communication</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/623,514	ZOU ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Stuart F. Baum	1638	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 07 December 2005 under 37 CFR 1.312 has been considered, and has been:

a) ☒ entered.

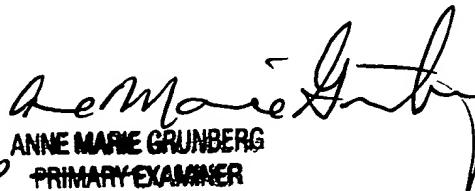
b) ☐ entered as directed to matters of form not affecting the scope of the invention.

c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

d) ☐ disapproved. See explanation below.

e) ☐ entered in part. See explanation below.

  
 ANNE MARIE GRUNBERG  
 SP PRIMARY EXAMINER

MAY 26 2006   
 Stuart F. Baum